



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 1613-99

9 September 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 August 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 23 May 1996 at age 19. On 14 June 1996, prior to the completion of recruit training, the commanding officer directed your separation based on the concealment of a preservice medical history of asthma. Therefore, on 19 June 1996 you received an entry level separation by reason of "failed medical/physical procurement standards." At that time you were assigned a reenlistment code of RE-4.

The Board noted that regulations require the assignment of an RE-4 reenlistment code to individuals who are separated due to failing medical procurement standards. Based on your concealment of a preservice medical condition, the Board concluded that this code was appropriately assigned. The code means that you were not recommended for reenlistment and that you may not reenlist in the Navy without prior approval of the Commander, Navy Personnel Command. In this regard, the Board noted your contention that you told the recruiter about the preservice medical condition. However, the contention is unsupported by any evidence. Even if you did disclose the medical condition, the

Board concluded that an RE-4 reenlistment code would be warranted since such an individual with such a condition is ineligible for enlistment. The Board thus concluded that there is no error or injustice in your reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director